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FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
JAN 31 2020	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 BENJAMIN ESPINOSA,

19 Case No. 3:18-cv-00298-MMD-CLB

20 Plaintiff,

21 *ORDER*

22 vs.

23 FILSON, et al.,

24 **DEFENDANTS' MOTION TO VACATE**
25 **DISPOSITIVE MOTIONS DEADLINE**
26 **PENDING COURT'S RULING ON**
27 **MOTION TO COMPEL (ECF No. 97)**

28 Defendant.

16 Defendants, Romeo Aranas, Gloria Carpenter, Michelle Clay, James Dzurenda,
17 Michele Ewing, Gail Holmes, Scott Mattinson and William Reubart, by and through
18 counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Rost C. Olsen,
19 Deputy Attorney General, hereby file their Motion to Vacate Dispositive Motions
20 Deadline Pending Court's Ruling on Motion to Compel (ECF No. 97).

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 On November 5, 2019, the Court entered its Minute Order, in which it set the
23 deadline for dispositive motions in this matter on January 29, 2020. ECF No. 92 at 1-2.
24 On January 13, 2020, Plaintiff Benjamin Espinosa (Espinosa) filed his Motion to Compel
25 Discovery (Motion to Compel), in which he seeks to compel the production of certain
26 documents, and requests oral argument. ECF No. 97. Defendants filed their Opposition to
27 the Motion to Compel on January 28, 2020. ECF No. 99. The matter remains pending
28 before the Court.

1 I. EXTENSION OF TIME

2 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as
3 follows:

4 When an act may or must be done within a specified time, the
5 court may, for good cause, extend the time: (A) with or without
6 motion or notice if the court acts, or if a request is made, before
the original time or its extension expires; or (B) on motion made
after the time has expired if the party failed to act because of
excusable neglect.

7 In this matter, there is a pending contested discovery motion. ECF No. 97. The
8 Court's ruling on the Motion to Compel will either permit or deny the availability of
9 certain evidence, which may, in turn, affect either party's decision to file a dispositive
10 motion or the substantive analysis within any dispositive motion. Accordingly, good cause
11 exists as this matter may not be ripe for a dispositive motion until the Court makes its
12 ruling on the Motion to Compel. *See Fed. R. Civ. P. 6(b)(1).*

13 Therefore, for the foregoing reasons, Defendants move this Court to vacate the
14 January 29, 2020 dispositive motion deadline as set in ECF No. 92, and reset it for 30
15 days after the Court enters an order adjudicating Espinosa's pending Motion to Compel
16 (ECF No. 97).

17 DATED this 28th day of January, 2020.

18 AARON D. FORD
19 Attorney General

20 By: /s/ Rost C. Olsen
21 ROST C. OLSEN, Bar No. 14410
Deputy Attorney General

22 *Attorneys for Defendants*

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24 **IT IS SO ORDERED**
25 *Raldi*
26 U.S. MAGISTRATE JUDGE
27 DATED: 1/31/2020
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